

### **REMARKS**

Favorable reconsideration of the application is respectfully requested in light of the remarks herein.

Upon entry of this response, claims 1–23 will be pending. No new matter has been added.

#### **Double Patenting Rejection of Claims 1–23**

In Section 3 of the Office Action, claims 1–23 stand rejected under the doctrine of obviousness-type double patenting over co-pending US Patent Application No. 09/876,738.

A terminal disclaimer under 37 CFR §3.73(b) is being submitted with this Amendment to address the rejection.

Accordingly, it is submitted that the rejection of claims 1–23 based upon the doctrine of obviousness-type double patenting has been overcome and withdrawal thereof is respectfully requested.

#### **Conclusion**

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1–23 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes

were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

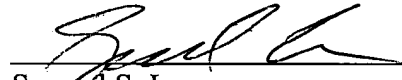
In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:

  
Samuel S. Lee  
Reg. No. 42,791  
(858) 731-5000